

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

REGINALD BROWN and
NICHOLAS BILES,

Plaintiffs,

v.

Case No. 05-02419

CITY OF MEMPHIS and
ARTHUR SEASE IV,

Defendants.

**ORDER DISMISSING CASE WITHOUT PREJUDICE
AS TO DEFENDANT ARTHUR SEASE IV**

On February 5, 2013, the court granted summary judgment in favor of Defendant City of Memphis. Arthur Sease IV, the only remaining Defendant, never filed an answer to Plaintiffs' complaint. Plaintiffs filed a notice of voluntary dismissal as to Defendant Arthur Sease IV pursuant to Federal Rule of Civil Procedure 41(a). The court finds that the voluntary dismissal without prejudice is proper under these circumstances. Fed. R. Civ. P. 41(a). Accordingly,

IT IS ORDERED that Plaintiffs' claims alleged against Defendant Arthur Sease IV are DISMISSED WITHOUT PREJUDICE.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: February 27, 2013

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, February 27, 2013, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522